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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,110	07/23/2003	Vladan Mijailovic	AD#-155	8967
23658	7590	07/27/2006	EXAMINER	
RICHARD K THOMSON, ATTORNEY			STERLING, AMY JO	
7691 FAIRLANE DRIVE			ART UNIT	
FAIRVIEW, PA 16415			PAPER NUMBER	

3632

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,110

Applicant(s)

MIJAILOVIC, VLADAN

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 9-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a non-final Office Action for application number 10/626,110 Steadying Support Platform, filed on 7/23/04. Claims 1-21 are pending. This non-final Action is in response to applicant's Appeal Brief dated 6/5/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

In view of the Appeal Brief filed on 8/30/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below to clear up matters of form that were not addressed during prosecution.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

### ***Election/Restrictions***

Applicant's election with traverse of the species requirement filed on 8/25/04 is acknowledged. The traversal is on the ground(s) that Figures 8 and 9 contain a device usable with the claimed invention and therefore is not considered a separate species.

This is found persuasive because the applicant has not admitted that the addition of such a device is an obvious rendition of the device shown in Figures 1-5 which contains a plate. The searching for an additional mounting device creates a burdensome search.

The requirement is still deemed proper and is therefore made **FINAL** and therefore claims 9-21 are withdrawn.

Any arguments pertaining to this election of species is a petitionable matter and is not proper for appeal.

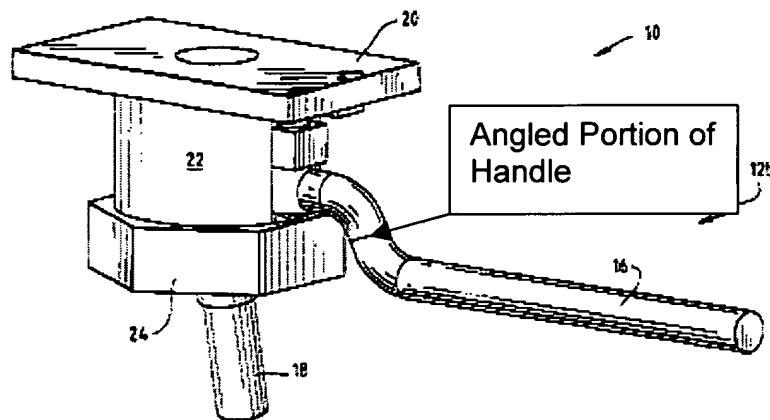
### ***Claim Rejections - 35 USC § 103***

Claims 1-4, 6-8 are rejected under 35 U.S.C. 103(a) 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6119995 to Reese et al. and in view of United States Patent No. 6729778 to Wu et al.

The patent to Reese et al. discloses a camera steady device (10) having a support platform (20) and a support shaft (16a, 18) connected to the bottom surface of the platform, having a first upper portion (16), and a separate second lower portion (18), the first and second shafts being positionable within 60 degrees relative to each other and a locking mechanism (24) to lock them in place, a sphere (30) affixed to the upper portion of the support shaft (16a, 18) a socket with a handle (32a, 32b, 16) which has a straight portion and an fifteen degree angled portion (See Drawing Below), the socket which is permitted to freely pivot about the sphere, a range of plus or minus 60 degrees

Art Unit: 3632

about a roll and pitch axis and plus or minus 360 degrees about a yaw axis by being, the socket which has a first upper plate (32b) with a first downwardly directed truncated spherical recess and a second lower plate (32a) with a second upwardly directed truncated spherical recess, the recesses which pivotally captures the sphere (30).



Reese does teach a counterbalanced socket plate member connected to a bottom portion of the support shaft and a means attachable to socket plate to by which the support platform is suspended or a and means (48) for attaching a video camera.

Wu et al. shows a camera steady device for a video camera (60) and a means for attaching (341) the camera, which has a sphere attached to a support shaft (20) which has a counterbalancing socket plate member (12) connected to a bottom portion of the support shaft (20) and a means (13) attachable to socket plate to by which the support platform is suspended, used to firmly hold the video camera to the device and to suspend the device from a support surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Wu et al. to have added these things to the device of Reese et al. in order

to firmly attach the camera to the device and to suspend the device from a support surface.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6513774 6119995 to Reese et al. and in view of United States Patent No. 6729778 to Wu et al. as applied to claims 1 and 4 above, and in view of United States Patent No. 4953852 to Donahue.

Reese et al. and Wu et al. disclose applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the sphere is made of Teflon.

Donahue shows a joint having a sphere (62) that is made of Teflon, used for its low frictional properties (See Col. 6, lines 20-24 for material selection). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Donahue to have made the sphere of Teflon in order to have a low friction joint.

### ***Response to Arguments***

The applicant has argued that the Reese et al. reference does not teach a platform for a video camera, that instead it teaches a platform for a still camera. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of

performing the intended use, then it meets the claim. It is clear that the prior art is capable of performing the intended use of holding a video camera.

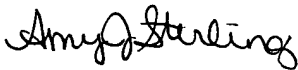
Also, the term video camera has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The applicant has also argued that the combination of the Reese et al. reference and the McLaughlin reference do not meet the limitation of a "video camera which is mounted on a spherical ball to freely pivot thereabout and through the use of a counterbalance, the camera is maintained in a steady position by gravitational force" (See Appeal Brief page 4). This is unpersuasive in for two reasons. First the applicant is paraphrasing the limitation requirement and arguing it narrower than it appears in the claim. The limitation, which is merely functional in nature, recites, "whereby when the platform support...the camera is maintained in a stead position by a gravitational force". The device in Reese et al. clearly has the capability of performing this function.

In relation to the argument that the Donahue teaches away from the Reese et al. reference because the Teflon ball would not create a non-slip ball capable, it is clear that any suitable material could be used in this type of application and the introduction of Teflon would not necessarily destroy the intention of the Reese et al. device.

***Conclusion***

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (Informal communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600

  
Amy J. Sterling  
7/20/06